

APPROVED

PLANNING COMMISSION MINUTES

August 13, 2008

I. PLEDGE OF ALLEGIANCE

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/SEATING OF ALTERNATE

Present: Aslam Ali, Gunawan Ali-Santosa, Larry Ciardella, Alex Galang, Sudhir Mandal, Gurdev Sandhu, Noella Tabladillo and Cliff Williams
Absent: None
Staff: Bejines, Gilli, Lindsay, Maxwell and Otake

III. PUBLIC FORUM

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

Syed Mohsin, CAC Commissioner, invited the Planning Commission to attend a Pakistan Independence Day picnic on August 17th at 2:30 p.m.

IV. APPROVAL OF MINUTES July 23, 2008

Chair Williams called for approval of the minutes of the Planning Commission meeting of July 23, 2008.

There were no changes to the minutes.

Motion to approve the minutes of July 23, 2008 as submitted.

M/S: Mandal/Ali-Santosa

AYES: 6

NOES: 0

ABSTENTION: 1 (Tabladillo – absent at the meeting)

V. ANNOUNCEMENTS

Chair Williams announced that he would be out of town at the August 27th meeting and Vice Chair Mandal will take his place as Chair.

VI. CONFLICT OF INTEREST

Assistant City Attorney Bryan Otake asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

Vice Chair Mandal said he owns property near Agenda Item No. 3 (Conditional Use Permit No. UP08-0007). Assistant City Attorney Otake advised Vice Chair Mandal that there is a conflict and asked Vice Chair Mandal to kindly exist the dais and not participate in the discussion.

**VII.
APPROVAL OF
AGENDA**

Chair Williams asked whether staff or the Commission have any changes to the Agenda.

There were no changes to the agenda.

Motion to approve the agenda.

M/S: Galang/Mandal

AYES: 7

NOES: 0

**VIII.
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no changes to the consent calendar.

Chair Williams opened the public hearing on Item Nos. 1, 2 and 4.

There were no speakers from the audience.

Motion to close the public hearing on Item Nos. 1 and 2.

M/S: Mandal/Tabladillo

AYES: 7

NOES: 0

Motion to approve Consent Item Nos. 1 and 2.

M/S: Tabladillo/Mandal

AYES: 7

NOES: 0

Motion to continue Item No. 4 to a date uncertain.

M/S: Mandal/Tabladillo

AYES: 7

NOES: 0

Motion to approve Item No. 5.

M/S: Ali-Santosa/Mandal

AYES: 7

NOES: 0

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- *1 CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0011:** A request to allow a new building wall sign and to relocate an existing freestanding sign at 1000 South Park Victoria Drive. The sign is proposed to be relocated in the same general vicinity and the relocation is due to the new building construction on site.
(Recommendation: Adopt Resolution No. 08-039 approving the project subject to the Conditions of Approval.)
- *2 CONDITIONAL USE PERMIT NO. UP08-0022:** A request to allow a new yogurt store called “That’s Yogurt” in 1,730 square feet of a vacant building at 242 Serra Way. The building was previously the site of Blockbuster Video.
(Recommendation: Adopt Resolution No. 08-037 approving the project subject to the Conditions of Approval.)
- *4 CONDITIONAL USE PERMIT NO. UP08-0008 AND SITE DEVELOPMENT PERMIT NO. SZ08-0004:** A request for approval to demolish the existing gas station and construct a new gas station with convenience store selling beer and wine located at 43 S. Abbott Ave. The applicant is also requesting a change in the Gas Station Policy in regards to limitations on the size of the snack shop.
(Recommendation: Continue to a date uncertain.)
- *5 TIME EXTENSION NO. TE08-002:** A request for an 18-month time extension to the original Site Development Permit for a three-story mixed-use building at the northeast corner of North Milpitas Boulevard and Dixon Road (1880 N. Milpitas Blvd.) *(Recommendation: Adopt Resolution No. 08-040 approving the time extension.)*

IX. PUBLIC HEARING

3. CONDITIONAL USE PERMIT NO. UP08-0007

Judie Gilli, Associate Planner, presented a request to operate a learning center for children located at 1128 Jacklin Road. Ms. Gilli recommended to Adopt Resolution No. 08-038 approving the project subject to the Conditions of Approval.

Commissioner Ciardella asked if the class instruction will be for children ages 3 to 12 or 5 to 12. Ms. Gilli deferred the question to the applicant.

Chair Williams introduced the applicant.

Jack Chen, 2609 Flexstone Drive, San Jose, said they are requesting to open up the learning center to take care of the children of high tech parents and will nourish them with Chinese culture, arts, music and dancing.

Commissioner Tabladillo asked what are the hours of operation and Mr. Chen said Monday through Friday 2:30 p.m. to 6:30 p.m.

Commissioner Ciardella asked if the music will be loud enough to disturb other tenants. Mr. Chen said the kids will be listening to cd’s and will not be jumping around.

Chair Williams asked if the students will play instruments and Mr. Chen said no, they will sing songs.

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Chair Williams asked Mr. Chen how he would address parents picking up their children. Mr. Chen said the majority of parents will pick up their kids at 6:00 p.m., and most business owners are closed at that time. He also felt that most children will not want to leave right away so the parents would have to park and wait.

Commissioner Tabladillo asked how many students per teacher in each room and Mr. Chen said that each classroom will have 5 to 7 kids.

Commissioner Tabladillo asked if all rooms will have windows and Mr. Chen said yes.

Commissioner Tabladillo pointed out that the last room on the floor plan does not have a window and the applicant said it would be used for storage.

Commissioner Tabladillo suggested the following condition of approval be added:

- 1. Any room that will be used as a classroom shall have an interior window to provide visibility of the users in the classroom.*

Commissioner Galang asked Mr. Chen if they will be providing food. Mr. Chen said they will be providing simple snacks to reenergize the students and the price of the snacks will be included in the overall package.

Chair Williams said staff received a letter from a concerned tenant regarding potential parking problems and asked Mr. Chen if he was aware and Mr. Chen said yes.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Sandhu/Ali-Santosa

AYES: 7

NOES: 0

Chair Williams said he is concerned about parking and would like to add a six month review.

Commissioner Ciardella said he would like to add a condition of approval that the dance studio has soundproofing. Mr. Chen said the dance studio is the room farthest away from the next door tenant.

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Motion to approve Conditional Use Permit No. UP08-0007 subject to the attached Resolution No. 08-038 and conditions of approval and with the following two added conditions of approval:

- 1. The business operation shall be reviewed by the Director of Planning and Neighborhood Services in six months from the date of occupancy for compliance to all conditions of approval.*
- 2. Any room that will be used as a classroom shall have an interior window to provide visibility of the users in the classroom.*

M/S: Tabladillo/Ciardella

AYES: 7

NOES: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 7:40 p.m. to the next regular meeting of August 27, 2008.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Veronica Bejines
Recording Secretary

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